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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARRE SUTTON,

Plaintiff,

-against-

GERALD MARIE, an individual a/k/a Gerald Marie
Castelbajac, and TRUDI TAPSCOTT, an individual,

Defendants.

1:21-cv-6787-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

A review of court records indicates that the complaint in this action was filed on August 12, 2021, [ECF No. 1], and that no proof of service of the summons and complaint has been filed as against Defendant Gerald Marie.

Rule 4(m) of the Federal Rules of Civil Procedure provides:

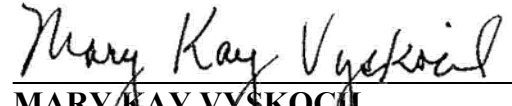
If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

However, in the interim, Plaintiff filed proof of service as against Defendant Trudi Tapscott, [ECF No. 13], who has appeared, [ECF No. 14], and filed a letter requesting a pre-motion conference to discuss an anticipated Motion to Dismiss [ECF No. 16].

The plaintiff is directed to serve the summons and complaint on Defendant Gerald Marie and file proof of service on or before November 30, 2021. If service has not been made on or before November 30, 2021, and if plaintiff fails to show cause, in writing, why service has not been made, the complaint will be dismissed for failure to prosecute pursuant to Rules 4 and 41 of the Federal Rules of Civil Procedure as to Defendant Gerald Marie.

SO ORDERED.

Date: November 16, 2021
New York, NY



MARY KAY VYSKOČIL
United States District Judge